

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-16. By this amendment, claims 17-20 have been added. Accordingly, the claims now in the application are claims 1-20.

New claims 17-20 have been added. These claims cover range limitations deleted from claims 7 and 15 in order to comply with 35 USC §112, second paragraph. Support for these claims may be found in originally presented claims 7 and 15.

Claims 1-16 have been rejected under 35 USC §112, second paragraph as being indefinite for use of the phrase "characterised in that". It is respectfully submitted that this objection has been obviated by the above amendments which either cancel or change the language "characterised in that" to "wherein" in those claims that had the language "characterised in that". Therefore, withdrawal of this objection is respectfully requested.

Claims 7 and 15 have been further rejected under 35 USC §112, second paragraph for having broader and narrower ranges contained therein. It is respectfully submitted that these rejections have been obviated by the amendments to claims 7 and 15 so that now each has only one range in them. In addition, new dependent claims 17-20 have been added which recite the narrower ranges which were cancelled out of claims 7 and 15. Therefore, withdrawal of this rejection is respectfully requested.

Claim 7 is further rejected as being indefinite and confusing because of line 1, the word "cit" before the word "said". This is a typographical error and has been corrected by inserting the word "wherein" for the word "cit".

Claims 1-12 and 14-16 have been rejected under 35 USC §102(b) as being anticipated by Benfatto (US Patent 5,487,887). This rejection is respectfully traversed.

Benfatto is cited as disclosing roll-on antiperspirant compositions comprising antiperspirant actives, water emollients, surfactants and cyclodimethicone. Columns 2-4 of the Benfatto patent are referred to as providing the above disclosures.

The present invention as claimed is directed to compositions which comprise, *inter alia*, at least one cationic quaternary surfactant and at least one nonionic surfactant.

The present invention is novel in view of Benfatto in that, *inter alia*, the present invention as claimed requires at least one cationic quaternary surfactant and at least one nonionic surfactant. Benfatto discloses the use of nonionic surfactants, but fails to disclose the use of cationic quaternary surfactants in microemulsion compositions. This failure of Benfatto is specifically noted in the Office Action on page 6, lines 3-6 in discussing the rejection of claim 13 under 35 USC §103(a). Accordingly, the present invention as claimed is novel over Benfatto.

Claim 13 is rejected under 35 USC §103(a) as being unpatentable over Benfatto (US Patent 5,487,887) in view of Curry et al. (US Patent 3,920,807).

As it was previously, Benfatto is cited as disclosing roll-on antiperspirant compositions comprising antiperspirant actives, water emollients, surfactants and cyclodimethicone. Columns 2-4 of the Benfatto patent are referred to as providing the above disclosures. In this rejection under 35 USC §103(a), Benfatto is recognized as failing to disclose the specific cationic surfactant that is claimed.

Curry is cited as disclosing antiperspirant and deodorant compositions. Column 5, lines 6-36 is cited for disclosing that cationic surfactants are employed and specifically quaternary ammonium salts. It is concluded that it would be

obvious to one of ordinary skill in this art at the time the invention was made to have employed the surfactants of Curry into the compositions of Benfatto in view of the teaching of both Benfatto and Curry that cationic surfactants are notoriously employed in antiperspirant compositions.

Applicants respectfully submit that Benfatto and Curry do not make claim 13 obvious in view of their disclosures. Contrary to what is asserted in the Office Action, Benfatto does not disclose the use of cationic surfactants. Thus, the broad statement that based upon the teaching of Benfatto and Curry that it is known that cationic surfactants are notoriously employed in antiperspirant compositions is not properly supported. In fact, Curry is the only cited art that makes reference to the use of cationic surfactants in an antiperspirant composition. Notably, the antiperspirant compositions that are disclosed in Curry are aerosols and not microemulsions or liquid crystals to which the presently claimed invention is drawn. One of ordinary skill in the art would not look at the teachings of formulating an aerosol when attempting to formulate a microemulsion or liquid crystal composition. Accordingly, it is not notoriously known by one of ordinary skill in the art to use cationic surfactants, especially the one claimed in claim 13, in microemulsions or liquid crystal antiperspirant compositions. Consequently, claim 13 is not obvious over Benfatto in view of Curry.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Kevin J. Stein
Registration No. 47,966
Attorney for Applicant(s)

KJS/sa
(201) 840-2394